THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21387 of 2006

Dated: 06-11-2006

Between:

Konduru Vedavyasulu.

..... PETITIONER

AND

The Government of A.P., rep. by its Principal Secretary, Revenue Department, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioner is allegedly owner of land admeasuring Ac.0.30 and Acs.2.10 guntas in survey Nos.1128 and 1131 respectively situated at Medchal Village and Mandal in Ranga Reddy District. He alleges that in September, 2003, the fourth respondent, namely, the Mandal Revenue Officer (MRO) approached him and asked for consent for parting with the land admeasuring 1200 sq. yards for the purpose of road widening. It is also alleged that when he refused to give consent, MRO promised to get equal extent of land allotted to him. Accordingly he handed over possession to MRO. Though the road was laid, he was neither paid compensation nor allotted alternative land. In this writ petition, he prays for a writ of Mandamus directing the respondents to allot an extent of 1200 sq. yards in lieu of the land which was utilized for the road widening.

At the stage of preliminary hearing itself, MRO has filed a counter-affidavit. It is admitted that the petitioner is the owner of the land admeasuring Acs.3.00 in said survey numbers. It is also stated that the road widening work in the said Village was taken up by the Gram Panchayat, Medchal and the Department of Roads & Buildings. All the owners through whose lands the existing road was passing gave consent for laying the road and widening the same. Accordingly the road was widened and at no point of time the officials of the revenue department are involved. It is also stated that under a mistaken impression, an extent of 80 sq. yards was allotted to the petitioner treating him as landless poor person and that the same itself would not confer any right for allotting alternative land to him.

The learned counsel for the petitioner submits that when the petitioner was promised with alternative land in lieu of his land which was utilized for widening the road, the respondents are bound to allot alternative land. He also submits that the petitioner was allotted 80 sq. yards of land by proceedings dated 03-09-2003 which itself would show that his land was utilized for road widening.

It is the case of the respondents that due to the joint efforts of the villagers, road was widened by the Gram Panchayat and Roads & Buildings Departments. There is no denial on this. Secondly, even when assuming that the land of the petitioner was taken in 2003, he made representation on 14-09-2006. This itself would show that the

petitioner was also one of the villagers, who gave consent for widening the road. Furthermore, unless and until any proceedings are issued by the District Collector for allotment of alternative land as required under the provisions of the Land Acquisition Act, 1894, the petitioner cannot be said to have any enforceable right to seek alternative land. If the petitioner is still aggrieved, he may approach the District Collector requesting for payment of compensation, in which event, the same may be considered by the District Collector in accordance with law. In this writ petition, no relief can be granted.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

06th November, 2006
ghn